



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 12 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Terry Murphy
Regulatory Compliance Manager
Crowley Petroleum Distribution, Inc.
201 Arctic Slope Avenue
Anchorage, Alaska 99518

Re: Crowley Petroleum Distribution, Inc. – Nome Tank Farm
Spill Prevention Control and Countermeasure (SPCC) Inspection
Facility Response Plan (FRP) Inspection

Dear Mr. Murphy:


On August 8, 2013, representatives of the U.S. Environmental Protection Agency ("EPA") inspected Crowley Petroleum's Tank Farm ("Facility") located in Nome, Alaska. It is our understanding that you are the owner and/or operator of this facility. The purpose of this letter is to notify you that the EPA may impose a civil penalty for your failure to implement the requirements of the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112. Pursuant to the federal Oil Pollution Prevention regulations, the Facility must have a certified Spill Prevention, Control and Countermeasure ("SPCC") plan in accordance with the requirements of 40 C.F.R. § 112.7 and 40 C.F.R. § 112.3(a), must maintain a copy of the plan on site (40 C.F.R. § 112.3(e)), and must fully implement the plan (40 C.F.R. § 112.3(a)). A summary of deficiency findings of the Oil Pollution Prevention regulations found at your facility is enclosed with this notice.

Crowley Petroleum Distribution is required to respond in writing to the enclosed findings within thirty (30) days of receipt of this letter. In addition, if an updated SPCC/FRP plan has been prepared, please include it along with your correspondence. The request for information in this letter is made under the authority of Sections 308 and 311(m) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318 and 1321(m). In accordance with the provisions of 40 C.F.R. § 2.203, you may assert a business confidentiality claim covering part or all of the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

As stated above, failure to comply with the SPCC requirements may subject you to a substantial civil penalty for each day of violation pursuant to Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii) and 40 C.F.R. Part 19. Although it may not prevent the EPA from seeking a penalty for past violations, prompt compliance will be taken into account in determining the appropriate enforcement response.

In order to help you with your spill prevention work and for current changes to the rule, please visit EPA's Oil Spill site at <http://www.epa.gov/emergencies/content/spcc/>. The EPA reserves the right to revisit your facility at some time in the future. Any questions regarding this matter should be directed to Kate Spaulding, EPA Region 10 SPCC Enforcement Officer, at (206) 553-5429.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc w/enc: Ms. Betty Schorr
Alaska Department of Environmental Conservation (ADEC)

EPA/FACILITY INSPECTION REVIEW
Crowley Petroleum Distributing – Nome Tank Farm
Nome, Alaska 99762

SPCC RULE REFERENCE	PLAN	FIELD	INSPECTION DEFICIENCY DESCRIPTION (8/8/2013)
112.7(c) Appropriate Secondary Containment		X	<p>Appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge as described in §112.1(b). The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. The method, design, and capacity for secondary containment address the typical failure mode and the most likely quantity of oil that would be discharged from transfer areas, equipment and activities.</p> <p><i>"Load rack/transfer area sump/collection/containment system is not sufficient to hold at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility."</i></p>
112.7(e) Inspections and Tests	X	X	<p>Record of inspections or tests signed by supervisor or inspector and kept with Plan for at least 3 years.</p> <p><i>"No record of inspections or tests signed by supervisor or inspector and records not kept with Plan for at least 3 years."</i></p>
112.7(h) Tank Car and Tank Truck Loading/Unloading Rack (1)	X	X	<p>Containment system holds at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility.</p> <p><i>"Containment system does not hold at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility."</i></p>
112.8(c) Bulk Storage Containers (6)		X	<p>Records of all integrity inspections and tests maintained.</p> <p><i>"Some inspection reports were made available. Complete record of 3 years of tests and inspections was not maintained."</i></p>
(9)	X	X	<p>Effluent treatment facilities observed frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).</p> <p><i>"No discharge records of oil-water separator discharge."</i></p>